

Exhibit 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; Otto
Trucking LLC,

Defendants.

Case No.

3:17-cv-00939-WHA

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VIDEOTAPED DEPOSITION OF NINGJUN QI
San Francisco, California
Thursday, June 22, 2017
Volume I

Reported by: SUZANNE F. GUDELJ

CSR No. 5111

Job No. 2644340

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1 referenced?

2 A Yes.

3 Q Have you ever deleted any texts that were
4 related to your employment at Uber?

5 A Yes. 10:16:38

6 Q And what is your practice for deleting text
7 messages relating to your employment?

8 A There really isn't a practice. Sometimes I
9 clean out messages that -- from people that I don't
10 think I will talk to for a while. 10:16:58

11 Q How often do you clean out messages in that
12 manner?

13 A I can't really say.

14 Q Did you communicate with others via text
15 regarding the acquisition of Otto? 10:17:15

16 A Yes.

17 Q And have you deleted any texts with anybody
18 which related to the acquisition of Otto?

19 A Yes.

20 Q And to the best of your recollection, what 10:17:27
21 texts did you delete?

22 A I've deleted some texts with Anthony.
23 That's the only one I can remember.

24 Q When did you delete those texts with
25 Anthony? 10:17:52

1 A I don't have a good sense of when.

2 Q Was it before or after you were aware that
3 the -- there was litigation relating to Uber's
4 acquisition of Otto?

5 A Before. 10:18:07

6 Q Before. Can you recall how long before you
7 learned of the litigation that you deleted texts
8 with Anthony?

9 A Before 2017.

10 Q Before 2017. How many texts did you delete 10:18:30
11 with Anthony?

12 A I don't remember that.

13 Q Was it like a single text that you deleted
14 or a larger group of texts?

15 A I deleted based on when you open up your 10:18:56
16 iPhone and you can just delete. So I don't have a
17 good sense of number of texts.

18 Q Okay. I'm not quite sure I'm understanding
19 the technology you're referring to. Can you provide
20 a little bit more detail? 10:19:12

21 A So when you open up your message client on
22 your phone and you see all the messages, right, from
23 various people, without drilling into the specific
24 person, I just deleted that group, that -- basically
25 his name. 10:19:33

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1 Q So that would have deleted all messages
2 with Mr. Levandowski prior to the date that you
3 deleted?

4 A That is my understanding of the technology,
5 yes. 10:19:44

6 Q Did you frequently communicate with Mr.
7 Levandowski via text relating to the acquisition of
8 Otto and negotiations associated with it?

9 A I don't know about frequently. I don't
10 know how you would define that. But yes, I did 10:20:04
11 communicate with him via text.

12 Q Have you handed over text messages to Uber
13 so that they can produce them in this litigation?

14 A No.

15 Q Have you handed your phone over to Uber so 10:20:21
16 that texts could be searched for to be produced in
17 this litigation?

18 A No.

19 Q To the best of your recollection, have all
20 text messages between you and Mr. Levandowski that 10:20:31
21 were on your phone been deleted by you?

22 A Not -- what -- are you referring to a
23 specific time period?

24 Q Well, you said you -- okay. Let me
25 clarify. 10:20:50

1 A Lior.

2 Q Anybody else?

3 A His outside counsel.

4 Q Why did you communicate with Mr.

5 Levandowski by text during this time period? 01:58:02

6 A Because he preferred that we kept
7 communication off email and over text only, and
8 obvious -- text and phone.

9 Q And you previously testified that at some
10 point before 2017, you deleted all of your texts 01:58:23
11 with Mr. Levandowski?

12 A Yes, that's correct.

13 Q So the texts that you had with him in the
14 first quarter of 2016 when negotiating an
15 acquisition agreement, those have all been deleted? 01:58:37

16 A I don't know when I was asked to delete it,
17 so I can't really tell you if that time frame, those
18 texts were deleted or not.

19 Q You said you don't know when you were asked
20 to delete them. Did I hear you correctly? 01:58:50

21 A Yes, that's correct.

22 Q Who asked you to delete them?

23 A Anthony.

24 Q And -- but you don't recall when he asked
25 you to do that? 01:59:01

1 A Yes, that's correct.

2 Q Did he ask you to delete them before or
3 after the merger and acquisition agreement was
4 signed?

5 A Before. 01:59:13

6 Q Did he say why you should delete the texts?

7 A Yes. He was concerned, in general, that
8 other people may find out, and it's not unusual for
9 M&A deals to be conducted over other mediums besides
10 email. 01:59:42

11 Q So he -- he asked you to delete the texts
12 that you had with him because he was concerned, in
13 general, that other people may find out. Is that
14 about the deal?

15 A Yes. 02:00:07

16 Q Did he tell you explicitly what he was
17 concerned other people would find out about if you
18 didn't delete the texts exchanged with him?

19 A He didn't go into specifics, but he did say
20 that it was important to him so that this -- these 02:00:20
21 discussions were confidential, and he would prefer
22 that -- he would prefer and asked us if we could
23 delete the messages.

24 Q Did you consult with anybody about whether
25 you should delete the messages that he asked you to 02:00:39